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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/31/07

SPONSOR Wirth LAST UPDATED \_\_\_\_\_ HB 321

SHORT TITLE Pedestrians Right of Way in Crosswalk SB \_\_\_\_\_

ANALYST E. Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
 Department of Public Safety (DPS)  
 Administrative Office of the Courts (AOC)  
 Department of Health (DOH)  
 Department of Transportation (DOH)

### SUMMARY

#### Synopsis of Bill

House Bill 321, Requiring Vehicles to Yield the Right of Way When Pedestrians are in Crosswalks, is aimed at improving pedestrian crosswalk safety by amending Section 66-7-334, which does not require drivers to yield the right of way to pedestrians in a crosswalk unless "the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger." House Bill 321 would require drivers to yield the right of way to pedestrians in the crosswalk no matter where the pedestrian is in relation to the driver and the driver's vehicle.

### SIGNIFICANT ISSUES

New Mexico has one of the highest pedestrian fatality rates in the nation per 100,000 people. This bill would provide greater protection for pedestrians.

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The law currently requires that a driver yield to a pedestrian in a crosswalk only when the pedestrian is on the driver's side of the road. This Bill would make it mandatory that a driver slow down and/or yield to the pedestrian when the pedestrian is in any part of a crosswalk.

**TECHNICAL ISSUES**

Public Safety Department notes that enforcement of new law may be complicated/difficult when crosswalk is on a 4 lane divided highway as this may affect traffic flow in direction furthest from pedestrian and could cause traffic difficulties

EO/mt